

# codex alimentarius commission

FOOD AND AGRICULTURE  
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OF THE UNITED NATIONS

WORLD HEALTH  
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Agenda Item 12

ALINORM 81/33  
May 1981

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Fourteenth Session

Geneva, 29 June - 10 July 1981

REPORT OF

THE SEVENTH SESSION OF

THE

CODEX COMMITTEE ON GENERAL PRINCIPLES

Paris, 6 - 10 April 1981

INTRODUCTION

1. The Seventh Session of the Codex Committee on General Principles was held in Paris from 6 to 10 April 1981 under the Chairmanship of Mr. C. Castang (France). Mr. A. François, Secretary-General of the French Inter-Ministerial Committee on Food Policy, opened the session and welcomed the participants on behalf of the Government of France. The opening was also attended by Mrs. Guillou, the representative of the Minister of Agriculture. The Session was attended by 68 delegates from 26 countries, and observers from five international organizations (see Appendix I).

ADOPTION OF AGENDA

2. The provisional agenda was adopted.

MATTERS OF INTEREST ARISING FROM OTHER CODEX SESSIONS

3. The main matters of interest arising from the work of the Commission and of other Committees are the subject of specific items on the provisional agenda for the session, namely the content and layout of Codex Standards, the question of guidelines for governments concerning acceptances of milk product standards, the matter of styles in Codex standards, the terminology to replace "non-acceptance", the status of specifications of identity and purity of food additives and the revision of the procedures for the elaboration of standards. These would all be matters to be considered by the Codex Alimentarius Commission at its Fourteenth Session (29 June to 10 July 1981, Geneva) in the light of the Committee's recommendations.

4. The Commission at its 13th Session had adopted the "Code of Ethics for the International Trade in Food" prepared by the Codex Committee on General Principles. The Code would shortly be sent to Member Governments. The Commission had also accepted the recommendations of the Committee concerning the inclusion of the consideration of possible economic implications of standards within the Procedure for Elaboration of Standards.

5. The Commission had, on the recommendation of the Committee, accepted the proposals of the International Dairy Federation (IDF) to bring acceptance procedures under the Code of Principles concerning Milk and Milk Products into line with those of Codex. The Commission had also endorsed the conclusions and recommendations of the Committee concerning the use in Codex standards of the phrase "in accordance with the law and custom

W/M2438

of the country in which the product is sold", as set out in para. 65 of ALINORM 79/35. Finally, the Commission had adopted a revision to the endorsement procedure for food additives which had been proposed by the Codex Committee on Food Additives and amended to some extent by the Committee.

6. The Committee requested information from the Secretariat on the latest developments concerning the WHO/UNICEF Code of Marketing of Breast-Milk Substitutes and the International Programme on Chemical Safety. Regarding the Code the Committee was informed that the Fourth Draft of the Code had been considered by the Executive Board of WHO in January 1981 and the Executive Board had recommended that the World Health Assembly should approve the Code and send it to Member Governments as an advisory text. Governments would be requested to advise WHO of what action they took or proposed to take concerning implementation of the Code. The Codex Alimentarius Commission was also requested to assist in the implementation of the Code and to continue to develop quality standards for infant foods.

7. WHO had been joined by ILO and UNEP in the development and implementation of the International Programme on Chemical Safety (IPCS). Discussions were currently taking place between FAO and WHO concerning their joint activities relating to food additives, pesticide residues and other food contaminants and the role of the IPCS. It was hoped that these activities would be strengthened by the development of IPCS. The Programme Advisory Committee of the IPCS had recommended that food additives and pesticide residues should be priority matters within the IPCS and that the existing procedures concerning JECFA, JMPR and the Codex Committees on Food Additives and Pesticide Residues should continue unchanged but that the activities be strengthened as and when funds become available to the IPCS. FAO had been closely associated with these developments and there had been full consultation with the Chairmen of the respective Codex Committees. It was expected that there would be more to report to the 14th Session of the Codex Alimentarius Commission.

8. The WHO Representative stated that the drafting of the Code of Marketing of Breast-milk Substitutes had been a difficult process, and suggested that further discussions of the Code should await the discussions which will be held at the World Health Assembly in Geneva in May 1981.

9. The WHO Representative further informed the Committee that regarding the International Programme on Chemical Safety there was close collaboration between WHO and other international organizations working on various aspects of chemical safety e.g. OECD. Efforts were being made to avoid duplication and overlapping. The WHO Headquarters was dealing with safety evaluation and produces criteria documents for certain chemicals or groups of chemicals. The WHO Regional Office for Europe had been given global responsibility for certain aspects of the programme, e.g. manpower training.

10. Among other activities of the WHO Region for Europe, the following were mentioned:

- (a) A survey of food safety services in Europe had recently been published <sup>1/</sup>. It provides brief information on legislation, administration and enforcement as well as lists of sources for further information on the individual countries.
- (b) A joint FAO/WHO surveillance programme for the control of foodborne infections and intoxications had started this year.
- (c) A working group on health examinations of food handling personnel had recommended abolition of routine periodical examinations as being a waste of laboratory and personnel resources <sup>1/</sup>.
- (d) New WHO Guidelines for Drinking Water Quality would be published by the end of 1981. They would replace the previous International Standards for Drinking Water and the European Standards for Drinking Water.

<sup>1/</sup> Report available from the WHO Regional Office for Europe, Scherfigsvej 8, Copenhagen, Denmark.

REVIEW OF CONTENT AND LAYOUT OF THE CODEX STANDARDS AND RELATED QUESTIONS OF GENERAL ACCEPTABILITY OF THE STANDARDS

11. The Committee had before it the Secretariat paper (CX/GP.81/2) as requested by the Commission at its Thirteenth Session (ALINORM 79/38 paragraph 282). Views had been expressed by the Coordinating Committee for Asia that Codex Standards were too detailed especially in secondary quality criteria and that as a result importing countries were only accepting Codex Standards slowly. Some exporting countries could thus be at a disadvantage as compared with countries who had not accepted the detailed standards because competing products need not comply with all the details and might gain an advantage in the market place. There might be merit therefore in dividing the standards into two main parts i.e. a mandatory part relating to food safety and an optional part covering other matters including quality which would be settled between importer and exporter.

12. The paper noted that the Committee had considered the question at its Sixth Session (paras. 34/40 ALINORM 79/35) and had pointed out that the Codex Format could be used flexibly by Codex Committees. The two sections, Description and Essential Composition and Quality Factors, were most relevant and the detail in standards differed considerably - the most detailed were those on processed or quick frozen fruits, vegetables or fish because they were dealing with products in which styles, form of pack and preparation of a natural raw material were important for fair practices and consumer protection (General Principles paragraph 1). Detail was sometimes extensive e.g. Canned Pineapple had 12 styles, three types of pack, packing media and quality criteria which included defects and drained weight provisions.

13. The established legal and administrative procedures of a country might make it difficult under the Acceptance Procedure to meet the obligations of acceptance and it was likely that these difficulties would be greater in respect of the more detailed standards. Where countries relied on a combination of general provisions in the law and on enforcement or commercial practice there might be special difficulties.

14. The Paper concluded that where detailed provisions could be elaborated and accepted, fair practices and consumer protection were ensured but that:

- (1) Governments who were unable or unwilling to include all the details in their legislation should follow the Acceptance Procedure for the standard and say what the status of those detailed provisions would be.
- (2) Committees might be invited to elaborate in detail only the most important styles or cuts and to omit others from the standard.
- (3) Certain provisions might be regarded for acceptance purposes as optional, reference methods, or provisions in accordance with trade or commercial practice.
- (4) Committees might be asked to report in respect of their standards:
  - (i) whether acceptances would be accelerated by treating some provisions as reference, trade or optional methods (and if so which provisions);
  - (ii) whether detail, if and when elaborated, would be useful to exporting and importing countries even if it was treated differently in the acceptance procedure from other provisions;
  - (iii) whether such detail could be omitted and left to trade and commercial practice.

15. The analysis made by the Secretariat was generally accepted by the 19 delegations who contributed to a full discussion of the problem. The Committee reaffirmed that a country was not required by the Acceptance procedure to apply the Codex standard to its exports. The obligation was to apply the standard to all products distributed within its territory, irrespective of whether they were produced at home or imported, and in such a way as not to become a non-tariff barrier to trade. If a standard was accepted, products conforming with it had to be freely circulated and those which did not conform with it must not be allowed under the same name and description. Governments which did not accept were being encouraged to say whether products conforming to the standard could be circulated freely (see para. 44 ).

16. A number of delegations confirmed that there were legal or constitutional provisions which affected their ability to accept Codex standards in every detail. In some cases the general law did not allow detailed provisions on such matters as styles or defects to be regulated; in others it was considered that the combination of general laws and labelling requirements provided sufficient protection for the consumer and there was also a demand to keep the number of laws to the essential minimum. It was pointed out that there could also be difficulties with other detailed provisions e.g. additives or contaminants and that the problem would not be overcome by omitting or reducing details such as styles, defects.

17. The main problem was essentially one for governments on Acceptance and the Committee emphasized its view that nothing should be done to weaken the obligations which were placed on governments by the Acceptance Procedure.

18. A number of delegations were inclined to agree that the Committees most concerned (CCPFV and CCFFP) should be asked to consider the matter. The Committees were the competent bodies to discuss the need for each detailed provision in a standard. Only the Committees could decide when general provisions such as 'fresh, free from defects, sound and wholesome' should be defined by more detailed provisions. Such detailed provisions ensured full protection for the consumer, defined the minimum quality of the product moving in trade and provided a basis for more objective enforcement. On the question of styles the idea of a general provision might be helpful in simplifying standards and if one could be elaborated it might be helpful for countries who had not yet accepted recommended standards. Committees might keep in mind the requirements of the Work Criteria in respect of styles which were less important in trade or to the consumer.

19. However, it was ultimately up to individual countries to determine whether or not, in accepting the standards, such provisions were embraced under the general provisions of food law or whether other means could be adopted to cover provisions on such matters as defects, styles, etc.

20. Some delegations emphasized that it was important to keep the question of acceptances separate from the question of free circulation of products. Both were matters for governments although committees were required to consider economic impact statements when elaborating commodity standards.

21. The Committee reaffirmed its previous conclusion that "it was better for Committees to consider the relevant detail and to agree on what it should be, than to exclude the detail and leave it to national legislation" (Para 37, ALINORM 79/35). Committees are the competent bodies to assess the amount of detail having regard to the Procedure for the Elaboration of Standards and the Work Priorities Criteria and they must judge for each draft standard how best to define the product so as to protect the consumer and ensure fair trade practices. The Committee decided that Commodity Committees should not be required to consider whether the status of certain parts of the standard might be changed to an optional, referee or trade requirement. Their attention should however be drawn to the importance of paying close attention to the work priorities criteria, to the possibility of making economic impact statements and especially to the question of detailed provisions for styles, etc.

22. The Committee noted that some countries were facing legal difficulties which had not yet been fully overcome and that in some cases acceptances had therefore been delayed. Progress was being made in a number of countries and the number of acceptances appeared likely to be increased in the fairly near future.

23. The Committee noted that a Codex standard need not be dealt with as a monolith. Specific deviations could be taken for a single provision or for several provisions in the standard. Where certain detailed provisions could not be accepted they could be dealt with as an Acceptance with specified deviations or as Non-Acceptance. In either case it would be essential for Member Governments to indicate their attitude to products which conform to the provisions which they could not accept. In some countries which relied on general laws the view had been expressed that it would be possible to say that products which complied with some detailed provisions such as styles, defects, etc., would not be prevented from being circulated although it might be more difficult - if not impossible - to say that products which did not comply with them would be prevented. It was for governments to consider the matter on acceptance. The Committee emphasized the importance of governments addressing the question of acceptance with a sense of urgency. In those cases where a Government could not accept all the detailed provisions it should indicate what would be the position of products which complied with the standard.

REVIEW OF ACCEPTANCES UNDER THE CODE OF PRINCIPLES CONCERNING MILK AND MILK PRODUCTS AND UNDER CODEX PROCEDURES TO DETERMINE WHETHER THERE IS A NEED FOR GUIDELINES FOR GOVERNMENTS FOR THE ACCEPTANCE OF MILK PRODUCTS STANDARDS

24. The Secretariat introduced a paper (CX/GP 81/3) which had been requested by the CCGP at its Sixth Session and which contained a Review of Government acceptances of the redrafted and new Milk Product Standards. The Review covered Decision No. 5 and the new labelling provisions. The paper noted that since 1972 the milk product standards were in the same form as Codex standards. The acceptances which had been notified since then were also similar and governments were now giving them under the Code or the Codex or under both. There was an increasing tendency for the Codex form to be used so as to indicate full acceptance or acceptance with specified deviations. The Review had shown that most deviations specified for milk product standards - like those for the Codex standards - were in the Composition, Additives and Labelling sections. The deviations which had been notified were in conformity with the Code of Principles but they were not always described as being more rigorous or more stringent. Terms like "more stringent" or "minor" were not easily applied to specific cases or to specific provisions.

25. For Codex standards, the CCGP had concluded at its Sixth Session that, firstly, there was no real need for the establishment of criteria for acceptance and, secondly, not to pursue the idea of a theoretical line of demarcation between meaningful acceptance and non-acceptance. The Committee had also considered an IDF Paper CX/GP/79/7 and had accepted proposals for harmonization of acceptance procedures of milk standards (paragraph 30 of its Report). The IDF had also suggested that detailed additions should be made to the Guidelines which governments had been asked to take into account when considering acceptances for milk product standards. Those Guidelines had been adopted by the Milk Committee at its 19th Session and they indicated to governments who had accepted the Code of Principles the nature of the obligations which they should have in mind when considering acceptances under the Code and under the Codex Acceptance Procedure.

26. The Secretariat's conclusion reached in the light of its Review was that the Guidelines did not need to be extended by the additions proposed in the IDF paper. This conclusion was consistent with that reached by the CCGP in respect of criteria for acceptance of Codex standards. The Committee decided to recommend to the Commission the adoption of this proposal and to inform the Milk Committee.

27. In reply to questions about the notification of acceptances of milk and milk product standards, the Secretariat explained that governments had the option of accepting either under the Code of Principles concerning Milk and Milk Products or under the Codex procedure, but that there was an increasing tendency for governments to accept under the Codex procedure, which in fact was the course of action recommended by the Committee and the Commission. It was a matter for governments to decide on what basis to accept. The Commission at its 13th Session (paragraph 126) had agreed to the recommendation for harmonization of procedures but this did not affect the Code of Principles itself which would stand on its own as a most important declaration of the principles under which milk and milk products should be produced and traded. On the other hand, the milk product standards were now in the Codex format and the trend was towards acceptances under the Codex and on the Codex form. This was in line with the IDF recommendation that the procedures under the Code of Principles should be brought into line with the Codex procedures. Governments who had accepted the pre-1972 versions of the milk product standards should, where possible, consider acceptance of the re-drafted 1972 standards and notify them on the Codex form. In accordance with a suggestion by the Polish delegation the Secretariat undertook to ensure that the milk products standards would in future be included in the list of recommended Codex standards. In reply to a question from the delegation of India, the Secretariat confirmed that the technical specifications for milk products from the European Economic Community (EEC) under the Food Aid Programme for 'Operation Flood II' project were in conformity with the standards.

#### REVISION OF THE PROCEDURES FOR THE ELABORATION OF CODEX STANDARDS

28. The Committee had before it document CX/GP 81/4 which contained the suggestions of the Executive Committee and the Secretariat for the revision of the Procedures for the Elaboration of Codex Standards to meet the request of the FAO Conference that the Commission should consider how to expedite the development of its standards. A preliminary document prepared by the Secretariat had been considered by the Executive Committee at its Twenty-Seventh Session (October 1980). The preliminary proposals had been revised by the Secretariat in the light of the Executive Committee's views and these had been sent to all members of the Commission for comment. Written comments had been received from nine countries which, in general, were in agreement with the proposed modifications of the Procedures.

29. The following proposals had been presented to Member Governments for their consideration and comment. In order to facilitate the work of the subsidiary bodies and to permit a detailed consideration of any first draft of a standard in the light of government comments it was proposed to amalgamate Steps 1, 2 and 3. Step 4 would remain unchanged and in the case of Step 5 an appropriate footnote had been introduced to permit government comments to be sought prior to consideration of the draft standard at Step 5 if the time factor was such as to require such action. The Commission would, nevertheless, review the draft standard at Step 5 and decide whether to advance the standard. Steps 6 and 7 were unchanged but Step 8 would be modified to permit the Commission to adopt a Codex Standard instead of a Recommended Standard. The proposals further contained a suggestion that Steps 9 to 12 should be reflected in a note to follow the procedures entitled "Subsequent Procedure Concerning Publication and Acceptance of Codex Standards" as the note would contain information on the action to be undertaken by Governments and the Secretariat following the adoption of a Codex Standard by the Commission. Similar proposals were before the Committee which would apply *mutatis mutandis* to the elaboration of regional standards, other Codex texts and recommendations and the procedures for the amendment of Codex Standards.

30. The Committee carried out a step by step examination of the proposed Procedures for the Elaboration of Worldwide Codex Standards in the light of government comments. The Committee considered that the Executive Committee should be able to exercise the prerogative of the Commission in approving decisions of the subsidiary bodies to commence work on the elaboration of worldwide standards in accordance with the

"Criteria for the Establishment of work priorities and for the Establishment of Subsidiary Bodies". It was agreed that the text of Step I should be in harmony with the Criteria and the Committee adopted the following text:

"Step I

- (1) The Commission decides taking into account the "Criteria for the Establishment of work priorities and for the Establishment of Subsidiary Bodies" to elaborate a Worldwide Codex Standard and also decides which subsidiary body or other body should undertake the work. A decision to elaborate a Worldwide Codex Standard may also be taken by subsidiary bodies of the Commission in accordance with the above-mentioned criteria, subject to subsequent approval by the Commission or its Executive Committee at the earliest possible opportunity".

31. Concerning Steps 4 and 7 the Committee agreed to a proposal contained in the written comments to delete the words "if appropriate" at the end of these steps and to consequentially amend the appropriate steps of Procedure for the elaboration of regional standards.

32. The Committee decided that it would not be desirable to retain in Step 5 the reference to Rule IX.1(a) and the authority of the Commission to establish subsidiary bodies under the rule as the matter was fully covered in the Rules of Procedure of the Commission, and its retention in the text of the Step tended to complicate unnecessarily the wording of the Step.

33. The Committee agreed with the Executive Committee that the Commission should adopt a Codex Standard at Step 8 and that the former subsequent Steps 9 to 11 should as proposed constitute notes to immediately follow the Procedures entitled "Subsequent Procedure Concerning Publication and Acceptance of Codex Standards". The Committee considered that the following text should be included as a new third paragraph of the subsequent procedure for worldwide and regional standards: "The above-mentioned publications will constitute the Codex Alimentarius."

34. The Committee in examining the Procedure for the Elaboration of Regional Codex Standards made no change to the text contained in Part 2 of the document except for the consequential amendments relating to Steps 4 and 7, i.e. the deletion of the words "if appropriate". The Committee agreed to set aside the substantive proposals contained in some of the written comments to revise Steps 1, 5 and 8 as it had not be charged with the task of resolving the policy matter relating to Rule VI.3.

35. The delegations of Australia, Canada, New Zealand, Nigeria and USA wished to place on record their view that whilst Steps 1, 5 and 8 were in accordance with Rule VI.3 of the Commission's Rules of Procedure, the situation was unsatisfactory if the elaboration of regional standards was not restricted to "foods moving exclusively or almost exclusively in intra-regional trade". This matter was covered in the terms of reference of the Coordinating Committees for Africa, Asia and Latin America but still remained unresolved in the case of the Coordinating Committee for Europe. These delegations were of the opinion that all members of the Commission and not just those of the region concerned should have the right to participate in any vote relating to the elaboration or adoption of a regional standard for products which were not traded exclusively or almost exclusively in intra-regional trade.

36. The Committee requested the Secretariat to bring the "Introduction" to the Procedures into line with all the proposed changes adopted by the Committee and to carefully check that the three languages text were in agreement. The revised Procedures are contained in Appendix II to this Report.

CONSIDERATION OF THE QUESTION OF A GENERAL PROVISION FOR 'OTHER STYLES' IN CODEX STANDARDS

37. The Committee had before it document CX/GP 81/5, which outlined certain difficulties which the Codex Committee on Processed Fruits and Vegetables at its 14th Session saw in introducing in its standards a general provision for 'other styles', details of which would be unknown at the time of elaborating the standards. The difficulties arose mainly in standards where a number of styles had been listed and defined and linked to certain other provisions in the standards, such as tolerances for defects, drained weight and labelling. In this way, the various named styles were subject to the discipline of the international standards, whereas 'other styles' would not be subject to such discipline. It seemed to the Secretariat, therefore, that the inclusion in Codex standards of a general "catch all" type provision for "other styles" might result in a situation where the styles that were listed and defined in the standards would be regulated in more specific and possibly more rigorous terms than the unnamed and undefined styles covered by the general provision for "other styles".

38. The Committee agreed that as a general rule, and where appropriate to the product concerned, Codex Standards should provide for all styles existing at the time of drawing up the standards, it being understood that new styles which may be developed subsequent to the adoption of the standard should be introduced into the standard through the procedure for the amendment of standards, rather than through the inclusion of a general "catch all" type provision for 'other styles' unknown at the time of drawing up the standard, unless, in the opinion of the Codex Committee concerned, the general "catch all" type provision could be drafted so as to regulate sufficiently any new and unknown styles.

39. In considering whether it was appropriate to provide for styles in standards, regard should also be had to the Work Priorities Criteria, in order to determine whether there was a real need, in terms of importance in international trade, to provide for styles in the case of the products under consideration.

40. Concerning justification for the inclusion of a general provision for 'other styles', the Committee agreed this should be considered by Codex Commodity Committees in the light of the views of the Commission on this matter at its 11th Session (ALINORM 76/44, paras 185-190) and of technical considerations particular to the individual Codex Standard concerned. An example of such technical consideration would be to see whether and to what extent quality criteria considered important in describing the product are linked to the styles listed in the standard.

41. The delegation of Nigeria stated that it was important that all styles be approved by the Commission, before they are included in standards.

42. The Committee agreed to recommend to the Commission that the above matters should be brought to the attention of subsidiary bodies developing standards.

IMPROVED TERMINOLOGY TO REPLACE "NON-ACCEPTANCE"

43. The Committee had before it document CX/GP 81/6 giving details of proposed changes in the presentation of Government responses concerning acceptance of the standards. The proposed changes had been drafted by the Secretariat in response to the wish of the Committee at its 6th Session (ALINORM 79/35, paras 37-38).

44. Up to now replies from governments indicating non-acceptance of Recommended Codex Standards, but adding that products in conformity with the standards would be permitted to be distributed freely within the country's territorial jurisdiction had been classified in the "Summary of Acceptances of Recommended Worldwide and Regional Codex Standards and Recommended Codex Maximum Limits for Pesticide Residues" under the heading "Non-Acceptance", following the provisions of paragraph 4B(i) of the General Principles of the Codex Alimentarius. It was now proposed that the heading "Method of Acceptance" be

sub-divided into three columns i.e. Full, Target and Specified Deviations, and that "Non-Acceptance", presently the fourth column be deleted. It was proposed that a new heading be introduced immediately after the heading "Method of Acceptance" and that the new heading be entitled "Other Information". The heading "Other Information" would be sub-divided into two columns, one reading "Products conforming to Codex Standard may be freely distributed within territorial jurisdiction" and the other reading "Non-Acceptance". The column presently headed "May products fully conforming to Codex Standard be freely distributed within territorial jurisdiction" would be deleted. Under this new arrangement a country which indicated that it could not accept a Codex Standard, but which was prepared to permit entry of products in conformity with the Codex Standard would not have its response classified as Non-Acceptance.

45. The Committee noted that the above proposal had been accepted by the Executive Committee at its 27th Session (ALINORM 81/3, paras. 64-68). The Secretariat proposal provided for a separate column to cover cases where a country, although not in a position to accept a Codex standard, was prepared to permit entry of products in conformity with the Codex standard. Several delegations suggested and it became the view of the Committee that an additional column should be provided for, to cover cases where a country was prepared to permit entry of products in conformity with Codex standards as modified by certain stipulations stated by the country concerned. At the request of the Chairman, the delegations of Sweden and Switzerland drew up a first draft of the way this additional column might be provided for. In that draft, it was suggested that the new column be called, "Free Distribution Declaration" and that it be divided into two parts, one for such a declaration without conditions and the other one for such a declaration with specified conditions. The Secretariat was requested to take this into consideration in drawing up an amended format of the Table.

46. Concerning the introduction of the new column referred to in paragraph 44 above, the delegation of Thailand expressed its disappointment that many countries represented at the Session appeared to accept the idea that it was in order to countenance a situation whereby products falling below the levels laid down in Codex standards could be traded internationally. The delegation of Thailand considered that this could result in unfair competition. The point was made in reply that it was difficult to say, in some cases, whether a product was or was not below the standard. In matters affecting safety this would be easy to determine, but in other areas e.g. styles, etc., it might be difficult. The delegation of Australia expressed the view that, although the new proposals represented a step in the right direction, it was important for the success of Codex work that the aims of the Programme should not be circumvented by various presentational devices. This view was supported by the delegation of Norway.

#### STATUS OF SPECIFICATIONS FOR THE IDENTITY AND PURITY OF FOOD ADDITIVES

47. The Codex Committee on Food Additives (14th Session) when considering a report of its ad hoc Working Group on Specifications of Identity and Purity of Food Additives, discussed the role of specifications under the Codex acceptance procedure. The main issue was whether specifications should be regarded as advisory texts or be regarded as mandatory and subject to the acceptance procedure. The Codex Committee on Food Additives thought that the specifications should be regarded as advisory only and not subject to the acceptance procedure. However, in view of paragraph 172 of the Commission's 13th Session Report (ALINORM 79/38), the Codex Committee on Food Additives referred the matter to the Codex Committee on General Principles. The Codex Committee on General Principles noted from document CX/GP 81/7 that JECFA, when evaluating toxicologically food additives, found it necessary to define in the form of chemical specifications the identity and purity of the chemical tested and evaluated. Similarly the Codex Committee on Food Additives when endorsing food additives provisions did so on the basis of technological justifications submitted by the Commodity Committee and of the recommendations of JECFA concerning safety-in-use (ADI and other restrictions), estimate of intake and in accordance with the General Principles for the Use of Food Additives. The General Principles for the Use of Food Additives contained a recommendation in paragraph 4 that

"Food additives should at all times conform with an approved specification, e.g. the Specifications of Identity and Purity recommended by the Codex Alimentarius Commission". Moreover the Format for Codex Commodity Standards contained the following requirement "The following provisions in respect of food additives and their specifications as contained in section .... of the Codex Alimentarius are subject to endorsement have been endorsed by the Codex Committee on Food Additives".

48. The Committee, after consideration of the basis upon which the work of the Commission, the CCFA and JECFA - namely, as a matter of priority, the safety-in-use of food additives - rested, was of the opinion that whilst there was no intention to replace the technical specifications developed by the manufacturers of food additives, there was clearly an obligation, in accordance with the conditions prescribed in the toxicological evaluation of an additive, not to use food additives mentioned in Codex Standards unless they met the minimum safety requirements laid down in the JECFA or Codex specifications. The Committee agreed to seek confirmation from JECFA and the CCFA of the above opinion as well as to request JECFA to indicate precisely those aspects of its specifications which constitute the minimum safety requirements consistent with the toxicological evaluation. It was further agreed to request the CCFA to clarify the purpose of the Codex Specifications, and in particular whether it was the Committee's intention to develop specifications which included requirements beyond those concerned with safety. The CCFA was also requested to confirm that these were advisory texts intended to assist governments and food manufacturers. The delegation of Australia expressed reservations at this course, as answers to the questions would appear to have been already provided in the background document CX/GP 81/7 and in the Procedural Manual. It was pointed out by the delegation of the Netherlands that it would be useful to draw the attention of governments to the need for them to express themselves, on accepting standards, concerning the way in which they have taken into account the General Principles for the Use of Food Additives and particularly paragraph 4 thereof.

49. The Committee had before it a Conference Room Document prepared by the delegation of the United Kingdom which drew attention to other matters raised by the CCFA and its Working Group 4 concerning the role of food additive specifications and the procedure for their elaboration. There was general agreement that the procedures proposed in the document would represent an improvement and would, if adopted, facilitate the work of the JECFA, the CCFA and its Working Group 4. It was agreed by the Committee to refer the proposed procedures to the Secretariat of JECFA and to the CCFA for their consideration. The Commission's Secretariat was requested to examine carefully the wording of the latter part of Step 5 to ensure consistency with the views of the Committee concerning the status of Codex Specifications, making it quite clear that such specifications would be advisory texts and not subject to acceptance as standards or specifications. This step should however be drafted in such a way as not to obscure the obligations concerning safety-in-use of evaluated food additives.

#### OTHER BUSINESS METHODS OF ANALYSIS

50. The delegation of the United Kingdom submitted a Conference Room Document seeking the opinion of the Codex Committee on General Principles on two questions concerning methods of analysis considered by the Coordinating Committee for Europe in respect of natural mineral waters. These were:

- a) Whether it was appropriate to establish more than one method of analysis for each parameter in a standard? and
- b) Whether it was appropriate to establish methods of analysis for parameters not provided for in standards?

The Committee confirmed that a) it was admissible under Codex Procedures to have more than one method provided the methods gave comparable results and were methods which had been collaboratively tested. However, the Commission in general had thought it preferable

to prescribe only one method. Regarding b) the Committee reaffirmed the view, as expressed at its last session, that there was no need for, nor requirement on the part of the Commission to elaborate such methods. The Committee requested the Secretariat to draw these matters to the attention of the next session of the Codex Committee on Methods of Analysis and Sampling.

ALINORM 81/33  
APPENDIX I

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PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND CODES OF PRACTICE, CODEX  
MAXIMUM LIMITS FOR PESTICIDE RESIDUES, CODEX SPECIFICATIONS FOR THE  
IDENTITY AND PURITY OF FOOD ADDITIVES

INTRODUCTION

1. The procedure for the elaboration of Codex standards is as follows. The Commission decides taking into account the "Criteria for the Establishment of Work Priorities and for the Establishment of Subsidiary Bodies" that a standard should be elaborated and also which subsidiary body or other body would undertake the work. Decisions to elaborate standards may also be taken by subsidiary bodies of the Commission in accordance with the above-mentioned criteria subject to subsequent approval by the Commission or its Executive Committee at the earliest possible opportunity. The

Secretariat arranges for the preparation of a "proposed draft standard" which is circulated to governments for comments and is then considered in the light of these by the subsidiary body concerned which may present the text to the Commission as a "draft standard". If the Commission adopts the "draft standard" it is sent to governments for further comments and in the light of these and after further consideration by the subsidiary body concerned, the Commission reconsiders the draft and may adopt it as a "Codex standard". The Codex standard is published and is sent to governments for acceptance. Details of Government acceptances are published periodically by the Commission's Secretariat.

2. Except for provisions relating to acceptance, the provisions set out in Parts 1 and 2 of this document apply, mutatis mutandis, to the elaboration of codes of practice, and, as determined by the Commission, to other texts of a non-mandatory nature.

3. The Commission or the subsidiary body or other body concerned may decide that the draft be returned for further work at any appropriate previous Step in the Procedure. The Commission may authorize the omission of Steps 6 and 7 if it considers, without dissent, that the completion of the standard is a matter of exceptional urgency or if it notes that the standard is uncontroversial and it has already proved to be generally acceptable to Members of the Commission. The Commission may authorize, on the basis of a two-thirds majority of the votes cast, the omission of Steps 6 and 7 of the Procedure in Part 3 of this document in respect of maximum limits for pesticide residues where such an omission is recommended by the Codex Committee on Pesticide Residues.

4. The Commission may at any stage in the elaboration of a standard entrust any of the remaining Steps to a Codex Committee or other body different from that to which it was previously entrusted.

5. It will be for the Commission itself to keep under review the revision of "Codex standards". The procedure for revision should, mutatis mutandis, be that laid down for the elaboration of Codex standards, except that the Commission may decide to omit any other step or steps of that Procedure where, in its opinion, an amendment proposed by a Codex Committee is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by the Commission at Step 8.

6. The provisions set out in Part 2 apply, mutatis mutandis, to the elaboration of Codex standards for groups of countries specifically designated by the Commission.

7. The provisions set out in Part 3 of this document apply to the elaboration of Codex maximum limits for pesticide residues in accordance with paragraph 3 above.

8. The provisions set out in Part 4 of this document apply to the elaboration of Codex specifications for the identity and purity of food additives.



### Subsequent Procedure Concerning Publication and Acceptance of Codex Standards

The Codex standard is published and issued to all Member States and Associate Members of FAO and/or WHO and to the international organizations concerned. Members of the Commission notify the Secretariat of their acceptance of the Codex standard in accordance with the acceptance procedure laid down in paragraph 4, paragraph 5 or in paragraph 6 of the General Principles of the Codex Alimentarius, whichever is appropriate. Member States and Associate Members of FAO and/or WHO that are not Members of the Commission are invited to notify the Secretariat if they wish to accept the Codex standard.

The Secretariat publishes periodically details of notifications received from governments with respect to the acceptance or otherwise of Codex standards and in addition to this information an appendix for each Codex standard (a) listing the countries in which products conforming with such standard may be freely distributed, and (b) where applicable, stating in detail all specified deviations which may have been declared by any accepting country.

The above-mentioned publications will constitute the Codex Alimentarius.

The Secretariat examines deviations notified by governments and reports periodically to the Codex Alimentarius Commission concerning possible amendments to standards which might be considered by the Commission in accordance with the Procedure for the Revision and Amendment of Recommended Codex Standards.

## PART 2

### PROCEDURE FOR THE ELABORATION OF REGIONAL CODEX STANDARDS

#### Steps 1, 2 and 3

(1) On the proposal of the majority of Members belonging to a given region submitted at a session of the Codex Alimentarius Commission, the Commission decides, taking into account the "Criteria for the Establishment of Work Priorities and for the Establishment of Subsidiary Bodies", to elaborate a Codex regional standard.

(2) The Secretariat arranges for the preparation of a proposed draft standard.

(3) The proposed draft standard is sent to the Members of the Commission and interested international organizations for comment on all aspects, including possible implications of the proposed draft standard for their economic interests.

#### Step 4

The comments received from governments and from the international organizations are sent by the Secretariat to the Coordinating Committee for the region or other body concerned which has the power to consider such comments and amend the proposed draft standard.

#### Step 5 a/

The proposed draft standard is submitted through the Secretariat to the Commission with a view to adoption as a draft standard for the region concerned. At the appropriate session

a/ Without prejudice to any decision that may be taken by the Commission at Step 5, the proposed draft standard may be sent by the Secretariat for comment prior to its consideration at Step 5, when, in the opinion of the coordinating committee or other body concerned, the time between the relevant session of the Commission and the subsequent session of the coordinating committee or other body concerned requires such action in order to advance the work.

of the Commission, all Members may present their comments, take part in the debate and propose amendments but only the majority of the Members of the region concerned attending the session can decide to amend or adopt the draft. In taking any decisions at this step, the Members of the region concerned will give due consideration to any comments that may be submitted by any of the Members of the Commission regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests.

#### Step 6

The draft standard for the region concerned is sent by the Secretariat to all Members of the Commission and to the international organizations concerned in order to obtain their comments on all aspects, including possible implications of the proposed draft standard for their economic interests.

#### Step 7

The comments received from governments and from the international organizations concerned are sent by the Secretariat to the Coordinating Committee for the region or other body concerned which has the power to consider such comments and amend the draft standard.

#### Step 8

The draft standard is submitted through the Secretariat to the Commission with a view to adoption as a Codex Regional Standard for the region concerned. At the appropriate session of the Commission, all Members may present their comments, take part in the debate and propose amendments but only the majority of Members of the region concerned attending the session can decide to amend and adopt the draft.

#### Subsequent Procedure Concerning Publication, Acceptance and Possible Extension of Territorial Application of the Standard

The Codex Regional Standard is published and issued to all Member States and Associate Members of FAO and/or WHO and to the international organizations concerned. Members of the region concerned notify the Secretariat of their acceptance of the Codex Regional Standard in accordance with the acceptance procedure laid down in paragraph 4, paragraph 5 or in paragraph 6 of the General Principles of the Codex Alimentarius, whichever is appropriate. Other Members of the Commission may likewise notify the Secretariat of their acceptance of the standard or of any other measures they propose to adopt with respect thereto, and also submit any observations as to its application.<sup>1</sup> Member States and Associate Members of FAO and/or WHO that are not Members of the Commission are invited to notify the Secretariat if they wish to accept the standard.

The Secretariat publishes periodically details of notifications received from governments of the region concerned, and, as appropriate, from other governments with respect to the acceptance or otherwise of Codex Regional Standards and information will be included in an appendix for each Codex Regional Standard (a) listing the countries in which products conforming with such standard may be freely distributed and (b) where applicable, stating in detail all specified deviations which may have been declared by any accepting country.

The above-mentioned publications will constitute the Codex Alimentarius.

The Secretariat examines deviations notified by governments and reports periodically to the Codex Alimentarius Commission concerning possible amendments to standards which might be considered by the Commission in accordance with the Procedure for the Revision and Amendment of Recommended Codex Standards.

It is open to the Commission to consider at any time the possible extension of the territorial application of a Codex Regional Standard or its conversion into a Worldwide Codex Standard in the light of all acceptances received.